

1984 WL 249834 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

February 23, 1984

*1 The Honorable Joyce C. Hearn
Representative of Richland County
107B Blatt Building
Columbia, South Carolina 29211

Dear Representative Hearn:

You have requested the advice of this Office as to the authority, if any, of Richland County Council to remove the Board of Trustees of Richland County School District One, its Superintendent, and/or its other officers or employees. [Section 59-19-60 of the Code of Laws of South Carolina](#), 1976, gives removal authority over school trustees to County Boards of Education generally. At least some of the powers of the old Richland County Board of Education were devolved on the Richland County Council by Act 140, Acts and Joint Resolutions of South Carolina, 1969; however, a prior law appears to have limited the old County Board's authority to matters outside Richland County School District One except as to [Section 59-17-50 of the Code of Laws of South Carolina](#), 1976 (former Section 21-114.1 of the 1962 Code concerning consolidation). See, Section 21-3913 of the Code of Laws of South Carolina, 1962. Therefore this old law, which does not appear to have been repealed prior to the devolution of County Boards' authority on County Council (Cf. Section 21-3886), casts serious doubt on the devolution of authority on County Council as to the trustees, other officers and employees. We express no opinion as to whether the authority under [Section 59-17-50](#) has been devolved on Council.

Because of the one day time frame involved in responding to your request today, we have not undertaken to do all the research that we would normally do on a question such as this. Nevertheless, we are providing you with a copy of the law concerned for your information and guidance.

Yours very truly,

J. Emory Smith, Jr.
Assistant Attorney General

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